

Rec'd PCTO 27 JUN 200

FORM PTO-1390 (Modified)
IRIN 11-2000

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
 DESIGNATED/ELECTED OFFICE (DO/EO/US)
 CONCERNING A FILING UNDER 35 U.S.C. 371

P-LJ 5137
U.S. APPLICATION NO. (IF KNOWN. SEE 37 CFR 10/030,497

INTERNATIONAL APPLICATION NO.
PCT/US00/18758INTERNATIONAL FILING DATE
July 7, 2000PRIORITY DATE CLAIMED
July 9, 1999

TITLE OF INVENTION

**A METHOD FOR DETERMINING THE PROGNOSIS OF CANCER PATIENTS BY MEASURING LEVELS OF
BAG EXPRESSION**

APPLICANT(S) FOR DO/FO/US

John C. Reed

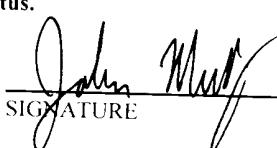
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A copy of the International Search Report (PCT/ISA/210).

Items 13 to 20 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
16. A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. A substitute specification.
18. A change of power of attorney and/or address letter.
19. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
20. A second copy of the published international application under 35 U.S.C. 154(d)(4).
21. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
22. Certificate of Mailing by Express Mail
23. Other items or information:

Copy of the Notice to File Missing Parts; Statement Under 37 C.F.R. section 3.73(b); Power of Attorney by Assignee; Return Receipt Postcard; and a Petition for a one-month extension of time are enclosed. This letter is being filed in response to the Notification of Missing Requirements Under 35 USC 371 in the United States Designated/Elected Office (DO/EO/US) Mailed March 27, 2002.

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.137(a)) 10/030,497	INTERNATIONAL APPLICATION NO. PCT/US00/18758	ATTORNEY'S DOCKET NUMBER P-LJ 5137																
24. The following fees are submitted:		CALCULATIONS PTO USE ONLY																
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :																		
<input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) <input type="checkbox"/> International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)		\$1040.00 \$890.00 \$740.00 \$710.00 \$100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = \$0.00																
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).		<input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 \$130.00																
<table border="1"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>- 20 =</td> <td>0</td> <td>x \$18.00</td> </tr> <tr> <td>Independent claims</td> <td>- 3 =</td> <td>0</td> <td>x \$84.00</td> </tr> <tr> <td colspan="2">Multiple Dependent Claims (check if applicable).</td> <td><input type="checkbox"/></td> <td>\$0.00</td> </tr> </tbody> </table>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	- 20 =	0	x \$18.00	Independent claims	- 3 =	0	x \$84.00	Multiple Dependent Claims (check if applicable).		<input type="checkbox"/>	\$0.00	 TOTAL OF ABOVE CALCULATIONS = \$130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE															
Total claims	- 20 =	0	x \$18.00															
Independent claims	- 3 =	0	x \$84.00															
Multiple Dependent Claims (check if applicable).		<input type="checkbox"/>	\$0.00															
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27). The fees indicated above are reduced by 1/2.		 SUBTOTAL = \$0.00																
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).		<input type="checkbox"/> 20 <input type="checkbox"/> 30 + \$0.00																
<table border="1"> <thead> <tr> <th colspan="2">TOTAL NATIONAL FEE =</th> </tr> </thead> <tbody> <tr> <td>Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).</td> <td><input checked="" type="checkbox"/> \$40.00</td> </tr> </tbody> </table>		TOTAL NATIONAL FEE =		Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).	<input checked="" type="checkbox"/> \$40.00	 TOTAL FEES ENCLOSED = * \$280.00												
TOTAL NATIONAL FEE =																		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).	<input checked="" type="checkbox"/> \$40.00																	
* The amount of \$110.00 covers the fee for the one-month extension of time.		<table border="1"> <tr> <td>Amount to be: refunded</td> <td>\$</td> </tr> <tr> <td>charged</td> <td>\$</td> </tr> </table>	Amount to be: refunded	\$	charged	\$												
Amount to be: refunded	\$																	
charged	\$																	
a. <input checked="" type="checkbox"/> A check in the amount of <u>\$280.00</u> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>03-0370</u> A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.																		
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.																		
SEND ALL CORRESPONDENCE TO:																		
CAMPBELL & FLORES LLP 4370 La Jolla Village Drive, 7th Floor San Diego, California 92122		 SIGNATURE John T. Murphy NAME 50,583 REGISTRATION NUMBER June 27, 2002 DATE																
1 MARCH 2002 00300003 10030437 130.00 05																		

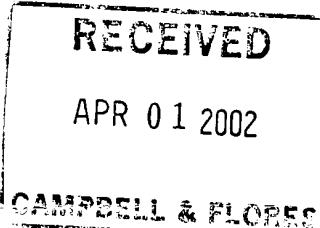
mhw /
JTM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box H-1
 United States Patent and Trademark Office
 Washington, D.C. 20231
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/030,497 ✓	John C. Reed	P-LJ 5137

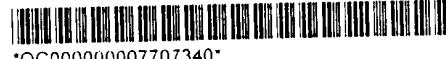
23601
 CAMPBELL & FLORES LLP
 4370 LA JOLLA VILLAGE DRIVE
 7TH FLOOR
 SAN DIEGO, CA 92122



INTERNATIONAL APPLICATION NO	
PCT/US00/18758	

I.A. FILING DATE	PRIORITY DATE
07/07/2000	07/09/1999

CONFIRMATION NO. 2174
 371 FORMALITIES LETTER



OC000000007707340

Date Mailed: 03/27/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments

DOCKETED

Resp. due

S-27-02

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/030,497	PCT/US00/18758	P-LJ 5137

FORM PCT/DO/EO/905 (371 Formalities Notice)

Document: A Copy of the Notification
of Missing Requirements Under 35
U.S.C. 371 in the United States
Designated/Elected Office (DO/EO/US)
Attorney Docket No: P-LJ 5137
Serial No.: 10/030,497

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" MAILING LABEL NUMBER: EV 065 745 808 US

DATE OF DEPOSIT: June 27, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: COMMISSIONER FOR PATENTS, BOX PCT, WASHINGTON, D.C. 20231.

Alexis Brancatello

Printed Name of Person Mailing Paper or Fee

Alexis Brancatello

Signature of Person Mailing Paper or Fee